IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 1596 of 2006(M)

PETITIONER:

BIJULAL D., AGED 24 YEARS,
S/O DIVAKARAN PILLAI, PUTHUVILA PUTHENVEEDU,
LAL MANDIRAM, KOTTUCKAL,
ANCHAL VIA, KOLLAM DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
----

1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL ADMINISTRATION
DEPARTMENT, SECRETARIAT, THIRUVNANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 1596/2006 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTIFICATION APPEARED IN THE MATHRUBHUMI THOZHIL VARTHA.

EXT.P2. COPY OF THE CERTIFICATE BY THE STATE BOARD OF TECHNICAL EDUCATION.

EXT.P3. COPY OF THE CERTIFICATE ISSUED BY THE UNIVERSITY OF CALICUT DT. 8//4/03.

EXT.P4. COPY OF THE HALL TICKET BY THE R1.

EXT.P5. COPY OF THE SHORT LIST PUBLIHSED BY THE PSC AND APPEARED IN MATHRUBHUMI THOZHIL VARTHA.

EXT.P6. COPY OF THE RANK LIST PUBLISHED BY THE PSC.

EXT.P7. COPY OF THE COMPLAINT DT. 9/1/2006.

EXT.P8. COPY OF THE REPLY/COMMUNICATION DT. 4/1/2006.

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 1596 OF 2006-M

JUDGMENT

The petitioner was an applicant for appointment to the post of Assistant Grade II/Auditor Grade II in the Government Secretariat/P.S,C etc. The prescribed qualification was B.A./B.Sc./B.Com. Degree or equivalent from a recognized University. The petitioner's qualification is Diploma in Computer Application and Business Management, awarded by the State Board of Technical Education, after undergoing the prescribed course of study in the Government Polytechnic, Punalur. Normally, such a Diploma is never treated as a Degree of a University. But, the petitioner relies on Ext.P3 certificate issued by the Calicut University, stating that the Diploma acquired by the petitioner is equivalent to Bachelor of Business Administration (B.B.A.) Degree awarded by the said University, for the purpose of employment.

2. The Public Service Commission has filed a counter affidavit, stating that the Commission is bound by the qualifications prescribed in the Special Rules. As per the Special Rules, the candidates must possess B.A./B.Sc./B.Com degree or equivalent degree of a recognized University

and not a Diploma, like the one possessed by the petitioner.

3. For Diploma courses conducted by the Polytechnics, a candidate with S.S.L.C qualification can get admission. After undergoing the three years' course, Diploma is awarded. As stated earlier, normally, such a Diploma is never treated as equivalent to a Degree. Ext.P3 certificate issued by the Calicut University will bind only the said University for appointing persons in that University. It will not bind other employers, including the Government. Therefore, the claim of the petitioner cannot be accepted.

In the result, the writ petition fails and it is dismissed.

31st May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/